From: Jarod Guertin
To: Microsoft ATR
Date: 1/18/02 7:08pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to humbly submit the following suggestion relating to the Microsoft Settlement.

It is the objective of the following argument to propose that the settlement should include a provision to force Microsoft to fully disclose to all competing parties the format of the end data files now considered standard. In this context, end data files, is meant to cover the end result file of the most common Microsoft applications utilized by both the end-user and business-user such as, but not limited to: *.doc (MS Word), *.xls (MS Excel), *.ppt (MS PowerPoint), *.mdb (MS Access), etc. A corollary is that any planned changes in those file formats would have to be communicated to the industry in advance to allow full support and compatibility.

This proposal relies on the argument that the operating system (MS Windows) has maintained its monopoly partly by preventing competing developer in making applications that were able to read and write flawlessly (which means full knowledge of all the structures and features not just a partial disclosure) in the file formats that have become the most common and therefore at the base of most information exchange in the business world and at home. One of the most common argument heard from people opposing or fearing too harsh of a settlement against Microsoft is the fear that they may not be able to exchange data as easily and freely as they now can if they remain in the Microsoft applications\OS realm. It would indeed hurt communications and business alike if suddenly the industry was thrown back in the times where a cacophony of formats existed and were more or less equally supported; this often resulted in corruption or loss of data during conversion and in the worst cases would lead to the inability to read the data altogether because a different application or application version was used. While many formats still exist today, it is hard to deny that the Microsoft formats have become the standard by way of the monopoly Microsoft enforced as found by the high courts' ruling.

Some, including Microsoft themselves, might argue that those formats are known well enough and that many applications can read the files in those formats. User experience however repeatedly and continuously disproves this statement. All third party data conversion seen so far are eventually marred with either glitches, corruption of information, loss of data, misalignments, etc. It would be extremely hard to believe that the entire industry, for the exception of Microsoft, is incompetent. It is much more plausible that full disclosure of those file formats were never carried out but only partial information on the most basic structures were given thus leaving out some of the most advanced features and nuances which makes all

those third party applications look deficient to the user. The user then has little choice in order to conduct business effectively but to disregard those apparently "inferior" third party applications and to move to Microsoft applications thus strengthening the monopoly.

Finally one might ask if firstly, such a requirement on Microsoft is just, and secondly if it is a remedy. Given the courts ruling that Microsoft used monopolistic practices to extend their hold on the industry, the popularity which made them become standard file formats is a result of the monopoly and serves to proliferate and maintain the monopoly. Since those file formats originated and help enforce the monopoly statu quo, it seems fair that they should be included in such a settlement.

Secondly, is this in any part a remedy? Once third party application developers are able to read and generate fully the most complex variants of those popular file formats, the competition between Microsoft's applications and third party's application will become possible again and will be based solely on the merit of the software itself, its features and its price. Once enough third party applications exists that are fairly competing with Microsoft's products, it will enable the industry to fully support any operating system that the business community and end user choose to, without fear of data communication and file transfer problems. At that time, Microsoft's operating system will again face fair competition and will have to resume competing based solely on the merit of the OS itself, its features and its price. Although it is extremely hard to predict how much time it would take to reach that point, a conservative guess would be 5-7 years. That might seem like a very slow course of action for a remedy but its slowness would allow a smooth and non-disruptive transition from monopoly to fair competition as third party developer catches up to the lead obtained by monopoly. It would revitalize the industry and renew the creativity and commercialism of third party developers, in fair competition. It is even the opinion of this writer, that those file formats should become regulated by standard bodies from the industry like JPEG and MPEG were.

If Microsoft judges that this argument is moot because it pretends to fully disclose those formats already, then including it in the settlement should not be an issue. If Microsoft objects and tries to use patent, trademark or industrial secret arguments, then it only strengthens the validity of the argument itself.

Please note that this suggestion is only seen as an additional item of the settlement and therefore meant as complementary.

Thank you and God bless America.

J.G.